

### **REMARKS**

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks:

#### **1) The Section 112 Rejection**

Claims 5-9 stand rejected under 35 USC 112 as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Examiner considers that the Applicants' specification is not enabling for the step of providing a writing teaching aid, citing to the object of the invention in Applicants' specification at p. 6.

Applicants' specification does disclose and refer to a teaching aid throughout the specification. First, the field of the invention section refers to "the present invention is manipulative *apparatuses*, which are multi-sensory and concrete, and a *teaching* method . . . as it pertains to all forms of writing" Second, at p. 6, the summary of the invention section refers to providing "*apparatus and methods* that *aid* students in preparing for . . . exams." (e.g., a teaching aid). Third, reading on in the summary of invention section, there is yet another reference to "*apparatuses*" to "*assist learning*" followed by a statement that the apparatus "*aids*" in the process of the activity of "*writing*". (Specification, p. 7) Furthermore, p. 13 refers to "students" with whom the apparatuses that aid are used. At p. 14 of the specification, there is a

reference to the description of the apparatuses that aid teaching writing. “Each of these *replica hamburger parts* has a role in *helping a student to write* a good paragraph. Each is associated with a particular aspect of paragraph *writing*.”

The above examples discuss a teaching aid, which in embodiments in the specification, is a hamburger, including parts of a hamburger meal, which is used as a teaching aid or tool to facilitate learning writing. As indicated above, the hamburger apparatus is designed to aid a student to learn writing.

For the above reasons, reconsideration and a withdrawal of the section 112 rejection is respectfully requested.

## **2) Claim Rejections – 35 U.S.C. §103**

Claims 5-9 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Solomon ('521). Applicants respectfully traverse this rejection.

As Applicants previously pointed out, Solomon discloses a psychotherapeutic device for use by a therapist with children, especially non-verbal or resistant children. A series of puppets depicting a character of like gender to the child is provided and each of the puppets displays a different emotion. The child reads or is read a story related to a scene and has to place the particular character puppet into the scene that exhibits the emotion that the child believes the character is feeling. Col. 2, ll. 30-47.

As Applicants previously pointed out, Solomon fails to disclose or suggest the present invention. In addition to lacking the features claimed by Applicants, Solomon actually is used to

act out, and not, for writing. One looking to Solomon's disclosure would not have been led to have the subject provide a writing based on the Solomon puppets. The purpose of the puppet use is contrary to writing, rather, it is to provide an activity for use particularly with withdrawn children or traumatized children. The puppets disclosed in Solomon are not an apparatus, such as, Applicants' hamburger, which is a teaching aid for facilitating the writing of a paragraph. However, Applicants' apparatus is utilized in the claimed method, which is a method of teaching writing, and includes the step of providing a writing teaching aid. The writing teaching aid provided is an assembly of three-dimensional representations of components, such as, for example, the parts of a hamburger meal. The method of teaching writing involves using the three dimensional representations of components to represent aspects of writing structure. The method further includes the step of assembling these components to correspond to the writing structure used for a work of writing.

The Office Action responds to the Applicants' position by arguing that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the apparatus from a prior art apparatus satisfying the claimed structural limitations. However, the cited authority relied on in the Office Action is misplaced. The Applicants are not claiming an apparatus in the claims under consideration (claims 5-9), but rather, a method. The method is what is being considered. Applicants' invention, as claimed, recites a *method of teaching* writing. The cited legal authority relates to the situation where an applicant is attempting to claim an apparatus disclosed to be prior art. That is not the case here, not merely

because the Applicants' three-dimensional representations of components corresponding to a writing structure are themselves distinguishable over the cited reference (i.e., Solomon), but because the Applicants claim a method which is not taught, suggested or disclosed by the cited reference.

The Office Action admits that Solomon fails to teach that his teaching aid is "a writing aid for teaching writing". This also means that Solomon therefore does not disclose a method of teaching writing. Applicants' invention is not obvious over this reference.

Even assuming that the Office Action considers Solomon's apparatus to be the same as the Applicants' apparatus (which clearly it is not), that is even more of a reason supporting the lack of obviousness and the patentability of the Applicants' present invention. Solomon does not disclose a method of teaching writing or how it may be used that way. Though the Office Action credits Solomon with disclosing Applicants' teaching aid, that is not the case. Also missing from Solomon are the steps of the method that Applicants disclose and claim as the present invention.

Applicants' method not only provides the writing teaching aid which comprises an assembly of three-dimensional representations of components of a multi-component article familiar to students being taught, but also includes representing particular aspects of a writing structure with those components, and attempting to assemble the article using the three-dimensional representations of components that correspond to the writing structure. Solomon does not concern itself with a writing structure.

Though the Office Action attempts to consider the Solomon reference to disclose a three dimensional teaching aid that is a model for works of writing (Fig. 1), assigning structure to the writing (the puppets) and using them to assemble and interpret thoughts regarding the article (citing to the abstract and claims 1-16), however, this is not what Solomon discloses or teaches. As discussed above, Solomon does not disclose writing or a method of teaching writing. Solomon provides a device for psychotherapy. The Solomon puppets device is used for non-verbal responses, not writing, but positioning puppets. The child generally is non-verbal or resistant, and Solomon does not use writing, but rather poses puppets. The puppets do not give rise to a writing that is being taught, nor do they represent a structure of writing that students are to learn. The positioning or scene creations is the result and purpose of the Solomon puppets.

Furthermore, Solomon, even if considered, does not provide the structure that the Applicants' method utilizes. Were Solomon to do that, it would be inconsistent with Solomon's teaching and purpose. Rather, there is no set order to the puppets, there cannot be, since the actor (child) does not need to place the puppets in a particular order, since it is that child's acting out. However, according to the Applicants' claimed method, there is a writing teaching aid utilized in conjunction with carrying out the method of teaching writing, and that writing aid has a correspondent structure and includes the claim step of: "attempting to assemble the article using the three-dimensional representations of components that correspond to the writing structure used in a work of writing". Solomon does not teach the subject, but rather is concerned with eliciting a non-verbal, non-written response.

Application Serial No. 10/725,677  
Response dated: October 15, 2008  
Reply to Office Action of April 15, 2008

E-2574

The Solomon reference fails to disclose the Applicants' claimed method of teaching writing.

For the above reasons, the Applicants' present invention provides a novel, unobvious method of teaching writing. Applicants' present invention is not taught, suggested or disclosed by the present invention and should be patentable.

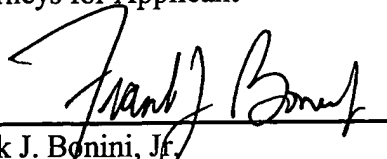
Accordingly, an early Notice of Allowance is respectfully solicited.

If further issues should remain Applicants' undersigned representative requests an interview to resolve them.

If necessary, an appropriate extension of time to respond to the Official Action is respectfully requested.

The Commissioner is authorized to charge any additional fee, or to credit any overpayment, to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,  
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Date: 10/15/08

October 15, 2008

Sutton/ E-2574

In re Application of Sharon L. Apichella and Mary D. Sutton  
Serial No. 10/725,677

Filed: 12/02/2003

For: METHOD AND APPARATUSES FOR TEACHING A METACOGNITIVE  
APPROACH TO WRITING

ENCLOSURES:

13 Page Amendment; 1 Page Petition for the Extension of time;  
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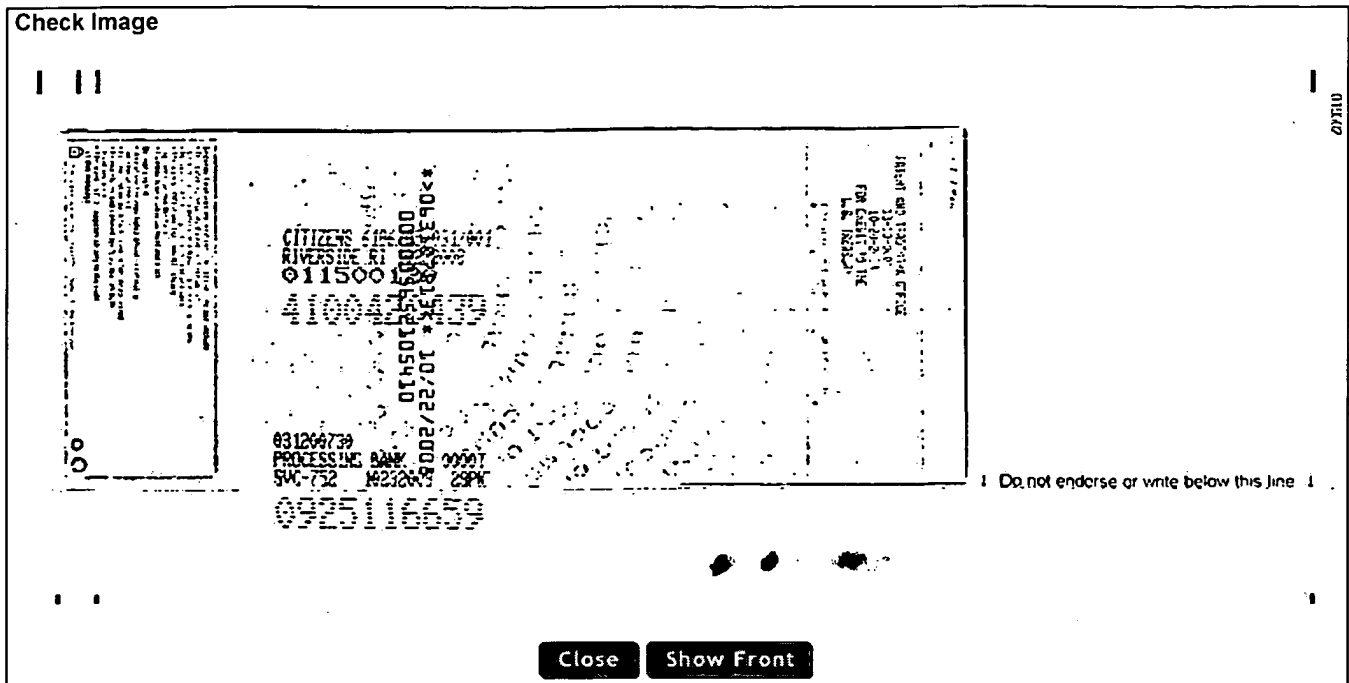
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10/725,677

Method and apparatuses for teaching a metacognitive approach to writing

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01-11-2008	IDS.LET	<a href="#">Information Disclosure Statement Letter</a>	3	<input type="checkbox"/>	<input type="checkbox"/>	
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07-13-2006	NTC.A.NONCPL	<u>Notice to the applicant regarding a non-compliant or non-responsive amendment</u>	3	<input type="checkbox"/>
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07-27-2004	PEFR	<u>Applicant Response to Pre-Exam Formalities Notice</u>	3	<input type="checkbox"/>
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12-02-2003	SPEC	<u>Specification</u>	18	<input type="checkbox"/>
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